

DOMINIC V. SIGNOROTTI, CA Bar No. 267712
dsignorotti@bpbsllp.com
BUCHMAN PROVINE BROTHERS SMITH LLP
2033 N. Main Street, Suite 720
Walnut Creek, California 94596
Telephone: 925 944 9700
Facsimile: 925 944 9701

Attorneys for Plaintiff

OTTO O. LEE, CA Bar No. 173987
olee@iplg.com
KEVIN VIAU, CA Bar No. 275556
kviau@iplg.com
BONNIE J. WOLF, CA Bar No. 284872
bonniewolf@iplg.com
INTELLECTUAL PROPERTY LAW GROUP LLP
12 South First Street, 12th Floor
San Jose, California 95113
Telephone: (408) 286-8933
Facsimile: (408) 286-8932

Attorneys for Defendant

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA
OAKLAND DIVISION**

MYSFYT, INC., a California corporation,

Plaintiff,

v.

JAMES LUM, an individual; and DOES 1-20,
inclusive;

Defendant.

Case No.: 16-cv-03813-KAW

**STIPULATION TO SET ASIDE CLERK'S
ENTRY OF DEFAULT AND EXTEND
TIME TO RESPOND TO COMPLAINT;
[PROPOSED] ORDER**

In accordance with Civ. L.R. 6-1(a) and 7-7(e), Plaintiff Mysfyt, Inc. ("Plaintiff") and Defendant Mr. James Lum ("Defendant") (collectively, the "Parties"), by and through their respective counsel, stipulate and agree as follows:

WHEREAS, Plaintiff filed its Complaint on July 7, 2016 (Dkt. 1);

WHEREAS, the Executed Summons was returned on August 15, 2016 (Dkt. 8);

WHEREAS, no answer was filed by Defendant;

WHEREAS, Plaintiff filed a Request for Entry of Default (Dkt. 10) on October 3, 2016;

WHEREAS, the Clerk entered default (Dkt. 13) on October 4, 2016;

WHEREAS, Defendant intends to and will file a responsive pleading in this case;

WHEREAS, Intellectual Property Law Group LLP was recently retained by Defendant in this matter;

WHEREAS, the Parties wish to avoid unnecessary motion practice associated with the Entry of Default and to allow time for Defendant to enter a responsive pleading;

NOW THEREFORE, based upon the foregoing recitals, IT IS HEREBY STIPULATED AND AGREED by and between the Parties through their respective counsel of record, subject to the approval of the Court, that the default entered by the Clerk on October 4, 2016 in the above-captioned action shall be set aside and the case shall proceed as though no default had been entered, and Defendant shall be allowed 21 days after the filing of this stipulation to respond to the Complaint; and the Case Management Schedule shall be modified as follows:

Stipulated Date	Current Date	Event
11/11/2016	9/20/2016	Last day to meet and confer re: initial disclosures, early settlement, ADR process selection, and discovery plan; file ADR Certification signed by Parties and Counsel; file either Stipulation to ADR Process or Notice of Need for ADR Phone Conference
12/2/2016	10/4/2016	Last day to file Rule 26(f) Report, complete initial disclosures or state objection in Rule 26(f) Report and file Case Management Statement per Standing Order re Contents of Joint Case Management Statement
12/13/2016	10/11/2016	INITIAL CASE MANAGEMENT CONFERENCE (CMC) at 1:30 PM in: Ronald Dellums Federal Building 1301 Clay Street Oakland, CA 94612

Respectfully submitted,

Dated: October 6, 2016

INTELLECTUAL PROPERTY LAW GROUP LLP

By: /s/ Bonnie J. Wolf
Otto O. Lee
Kevin Viau
Bonnie J. Wolf
12 South First Street, 12th Floor
San Jose, California 95113
Telephone: (408) 286-8933
Facsimile: (408) 286-8932

Attorneys for Defendant

Dated: October 6, 2016

BUCHMAN PROVINE BROTHERS SMITH LLP

By: /s/ Dominic V. Signorotti *
Dominic V. Signorotti
2033 N. Main Street, Suite 720
Walnut Creek, California 94596
Telephone: 925 944 9700
Facsimile: 925 944 9701

Attorneys for Plaintiff

** Pursuant to Local Rule 5-1(i)(3), filing counsel attests that all other signatories listed, on whose behalf the filing is submitted, concur in the filing's content and have authorized the filing.*

[PROPOSED] ORDER

PURSUANT TO STIPULATION, IT IS SO ORDERED.

Dated: _____

UNITED STATES MAGISTRATE JUDGE